IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 5351 of 2006
Date of Decision: 12.10.2006

Satpal Singh ...Petitioner

Vs.

Daljit Singh ...Respondent

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.Vikram Aggarwal, Advocate,
for the petitioner.

Vinod K.Sharma, J. (Oral)

Present revision petition has been filed against the order dated 6.9.2006 passed by learned Appellate Authority, Amritsar ordering the ejectment of the petitioner from the shop in dispute on the ground of personal necessity of the landlord-respondent.

After his retirement as Director with Economics and Statistical Organisation, Government of Punjab, the landlord-respondent filed eviction petition against the petitioner for seeking ejectment on the ground that after the retirement he shall shift to his native place as presently he was residing in a tenanted premises at Jalandhar with his family. The family of the respondent consisted of three unmarried daughters, his wife and he himself.

Learned Rent Controller while accepting the petition on the ground of building being unfit and unsafe had decided issue of personal

necessity against the respondent. Learned lower Appellate Authority has reversed the finding on the ground of personal necessity and held that the premises were required by the respondent for bona fide necessity.

The contention of the tenant is that the petition seeking ejectment on the ground of building being unfit and unsafe as well as personal necessity is without merit in view of the law laid down by this Court in **Amar Nath Dhawan Vs. Smt. Santosh Kumari Garg and another 1991-2 P.L.R. 631,**

The contention of the learned counsel for the petitioner is that once there was sufficient accommodation with the respondent-landlord the necessity for another room could not be said to be bona fide as it amounts to mere desire. This contention cannot be accepted. The respondent-landlord by way of evidence has established his need to be bona fide and keeping in view the size and status of the family of the landlord it cannot be said that the need was not bona fide.

No ground is made out which may call for interference in the impugned orders by this court in revisional jurisdiction.

However, the petitioner is granted three month's time to vacate the premises subject to the condition that the petitioner shall hand over the vacant possession of the premises to the landlord on or before 11.1.2007 and would clear all the arrears of rent and continue paying the rent in advance by 10th of each month during this period.

(Vinod K.Sharma)
12.10.2006 Judge
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